

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

4/7/2020 4:14 pm

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TYLIL MCTOOTLE, #18001049,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,
-against-

ORDER
19-CV-1943(JMA)(ARL)

CORRECTIONAL OFFICER JHON DOE SCULLY,
CORRECTIONAL OFFICER JHON DOE CARR,
SHERIFF FLOOD, C.O. JHON DOE,

Defendants.

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AZRACK, United States District Judge:

By Order dated July 30, 2019, the Court: (1) granted the application to proceed in forma pauperis filed by incarcerated pro se plaintiff Tylil McTootle (“Plaintiff”); (2) ordered service of the summonses and complaint by the United States Marshal Service (“USMS”), (3) and requested, pursuant to Valentin v. Dinkins, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam), that the Nassau County Attorney attempt to ascertain the full names of the unidentified individuals described in the complaint and to provide their names and address(es) where each such defendant can be served to the Court and to Plaintiff within thirty (30) days of the date that the Order was served upon it. (See ECF No. 10.) To date, the Nassau County Attorney has not provided such information and no defendants have been served with the summonses and complaint.

The Court again requests that the Nassau County Attorney ascertain the full names and service addresses of the unnamed defendants. Further, given the national emergency caused by the COVID-19 virus, once the Nassau County Attorney identifies these individuals, the Court requests that the Nassau County Attorney agree to accept service of the complaint on behalf of all the defendants. Accordingly, the Clerk of the Court shall serve another copy of the complaint together with this Order on the Nassau County Attorney. The Nassau County Attorney is requested to provide the information about the unnamed defendants to the Court and to Plaintiff

within thirty (30) days from the date of this Order. The Nassau County Attorney shall also inform the Court and Plaintiff if they will accept service of the complaint on behalf of all the defendants within thirty (30) days from the date of this Order.

The Nassau County Attorney need not undertake to defend or indemnify any of the defendants at this juncture. This Order merely provides a means by which Plaintiff may name and serve the defendants as instructed by the Second Circuit in Valentin. Once the information is provided to the Court by the Nassau County Attorney's Office, Plaintiff's complaint shall be deemed amended to reflect the full names of the unnamed defendants.

The Clerk of Court shall mail a copy of this Order to Plaintiff at his last known address.

SO ORDERED.

Dated: April 7, 2020
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge